



## MEMORANDUM

September 28, 2023

**TO:** Mayor and Council

**FROM:** Ricky Barker, AICP, Director of Community Planning and Development Services  
Jenny Snapp, Deputy Director of Community Planning and Development Services  
Jim Wasilak, AICP, Chief of Zoning  
Li Alligood, AICP, Deputy Zoning Manager

**THROUGH:** Barack Matite, Interim City Manager

**SUBJECT:** Zoning Ordinance Rewrite Project – Quarterly Status Report #1

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The Zoning Ordinance Rewrite (ZOR) Project is now underway. Per the Project Charter approved by Mayor and Council in October 2022, staff is providing the first status report about the project.

### PROJECT BACKGROUND

Mayor and Council approved a project charter for the Zoning Ordinance Rewrite Project in October 2022. See attachments for the final project charter. Following approval of the project charter and development of the scope of work for the project, the City issued a Request for Proposals (RFP) in January 2023. In June 2023, Mayor and Council approved a contract with ZoneCo, a planning firm based in Cincinnati, Ohio, to complete the project. The contract was executed in late July 2023, and work on the project commenced. The project is expected to last 18 to 24 months, followed by the formal adoption process.

### PROJECT STRUCTURE

The city's project management team includes Jenny Snapp, Jim Wasilak and Li Alligood. The ZoneCo project management team includes Sean Suder, Lead Principal/Founder and Jocelyn Gibson, Managing Principal. In addition to the city and consultant project management team, a working group consisting of representatives from most city departments and divisions will be

meeting monthly to review deliverables and discuss approaches to implementing the policies of the Comprehensive Plan and related documents. This internal working group held its first meeting on September 12, 2023, and will be meeting monthly throughout the project. Additional interdisciplinary staff working groups are anticipated to discuss specific topic areas.

The general zoning principles guiding the project are:

1. Zoning should regulate only what needs to be regulated in order to protect health, safety, and the general welfare.
2. Zoning should respect both existing and desired development patterns.
3. Zoning should be the implementation of a plan, not a barrier.
4. Achieving equity, resiliency, and sustainability should be cornerstones of any code update.

## **PROJECT APPROACH**

The project approach proposed by ZoneCo includes three phases, or modules, prior to adoption of the zoning ordinance text amendments.

### **Module 1 – Diagnose** *(in progress)*

Module 1 consists largely of collecting and evaluating existing materials along with discussions with city staff. The ZoneCo team is currently evaluating existing City plans, policies, procedures, and regulations to identify areas of agreement and conflict with the Rockville 2040 Comprehensive Plan.

Documents provided to the consultant for this review include:

- 2020 Rockville 2040 Comprehensive Plan and associated documents:
  - 2001 Town Center Master *Plan (currently being revised)*
  - 2004 East Rockville Neighborhood Plan
  - 2007 Lincoln Park Conservation District Neighborhood Plan *(currently being revised)*
  - 2007 Lincoln Park Neighborhood Plan
  - 2009 Twinbrook Neighborhood Plan
  - 2016 Rockville Pike Neighborhood Plan
  - 2017 Bikeway Master Plan
  - 2023 Draft Pedestrian Master Plan *(anticipated adoption October 30, 2023)*
- Zoning Ordinance:
  - Current Chapter 25 of the City Code, adopted in 2009 and amended since
  - 1932 Zoning Ordinance
  - 1956 Zoning Ordinance
  - 1960 Zoning Ordinance
  - 1980 Zoning Ordinance
  - 1989 Zoning Ordinance

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- Plans, Manuals, and Guidelines referenced by the Zoning Ordinance but not part of the Zoning Ordinance:
  - 1986 Historic Resource Management Plan
  - 1999 Environmental Guidelines
  - 2015 Landscaping, Screening, and Lighting Manual
  - 2018 Comprehensive Transportation Review Policy
  - 2019 Adequate Public Facilities Standards
  - 2021 East Rockville Design Guidelines
- Adopted Plans that recommend revisions to the Zoning Ordinance:
  - 2019 Climate Action Plan
- Mayor and Council priorities and initiatives to be considered in the development of the Zoning Ordinance Rewrite:
  - 2018 Faster, Accountable, Smarter and Transparent (FAST) Project Charter
  - 2021 City of Rockville Social Justice Resolution

As part of this information-gathering effort, ZoneCo visited the city on September 26 and 27, 2023 and met with staff from various city departments and divisions, along with staff from REDI, to understand how the zoning ordinance works well, and less well, for them.

The deliverable for this module is a Diagnostic Report, which provides an overview of existing policy direction and whether existing regulations implement or hinder that direction. A draft of this report is anticipated in mid-October. The final report will be shared with Mayor and Council and the community and will inform the next phase of work.

### **Module 2 – Calibrate**

During the Calibrate module, which is anticipated to begin in November, ZoneCo will begin to identify the use and development standards for existing zones where the Comprehensive Plan and other documents call for revisions, and to develop new use and development standards for new zones called for in the Comprehensive Plan. These standards and proposed changes are presented in an Excel spreadsheet format and will be shared with the internal steering committee for review and comment.

During this module, illustrative graphics will be identified and developed for incorporation into the zoning text developed during Module 3.

### **Module 3 – Codify**

During Module 3, the materials gathered during Modules 1 and 2 are translated into a revised zoning ordinance. Staff anticipates that the revised zoning ordinance will:

- Be restructured and reorganized to reflect best practices in modern zoning ordinances.
- Be renumbered to reflect the outline format of the rest of the city code.

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- Include tables and graphics for ease of use and reference.
- Codify practices and required components of the development process that are currently outside of the zoning ordinance.

The consultant team will develop the new zoning ordinance by section and city staff will review and provide comments.

### **Adoption**

Once the draft zoning ordinance has been prepared, the zoning text amendment process will begin. This process will follow the requirements of Sec. 25.06.01 and 25.06.02 and will also include numerous opportunities for public review and comment on key changes to the City's regulations.

### **PUBLIC ENGAGEMENT AND OUTREACH**

Key public engagement milestones are still being developed, but are expected to include:

- **September 2023:** [Project website](#) developed and available to the public, including contact information for questions or comments.
- **January/February 2024:** A public workshop (tentatively scheduled) held to review draft calibration tables, which will describe potential changes to use and development standards in existing zones.
- **July 2024:** ZoneCo to begin drafting the new zoning ordinance by section. Per the approved Project Charter, city staff will share drafts of the zoning ordinance and relevant sections with Planning Area representatives as well as boards, committees and commissions including:
  - Planning Commission
  - Board of Appeals
  - Environment Commission
  - Recreation and Parks Advisory Board
  - Rockville Pedestrian Advisory Committee
  - Rockville Bicycle Advisory Committee
  - Transportation and Mobility Commission
- **July/August 2024:** An adoption draft of the zoning ordinance will be prepared. A public workshop will be held to review the draft ordinance. Staff will also develop a revised zoning map for adoption.
- **September 2024:** Staff will begin a series of briefings and hearings before the Planning Commission, followed by a series of briefings and hearings before Mayor and Council.
- **September 2025:** Targeted adoption of the zoning ordinance rewrite.

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**NEXT STEPS**

Staff will provide quarterly updates to Mayor and Council throughout the project. The final Diagnostic Report is anticipated to be available for public review and discussion in late October or early November 2023.

**ATTACHMENT(S)**

1. Approved Project Charter

## **Comprehensive Rewrite of Rockville's Zoning Ordinance**

### **Project Charter**

#### **Introduction**

The Mayor and Council, the City Manager, Planning Commission, staff, residents, and various other stakeholders are keenly interested in the implementation of the City's Rockville 2040 Comprehensive Plan. Initiating and completing a Zoning Ordinance Rewrite is a must for implementing the Plan. Completing a Zoning Ordinance Rewrite will more effectively guide the City's growth, preserve key environmental and historic areas, and promote the types of housing and jobs that are recommended in the Plan Elements and the Planning Areas. A consultant will be needed to support staff in carrying out this multi-faceted project. The implementation of a new Zoning Ordinance should be limited to 18-24 months from the kickoff meeting to ensure the residents and other community stakeholders have a user-friendly, modern ordinance that can effectuate the changes envisioned in the Comprehensive Plan. A zoning consultant will bring best practices to the City not only on policy issues that many jurisdictions are facing, but also on organization and display so that the code is user-friendly and understandable to all customers.

This multi-department project requires an agreed-upon plan to unify staff in dedicating the time and working effectively together to successfully complete the Ordinance Rewrite. This Project Charter, a roadmap for completing this initiative, describes who, what, when, where, why, and how the City will complete this important project.

#### **Project Charter**

The first step to initiate this project is to establish a "plan to do the project" in the form of a Project Charter. This document contains information on:

1. Reason and purpose, and outcomes for the project;
2. Organizational structure with roles, responsibilities, decision-making authority, and project assignments;
3. Description of the community outreach and engagement strategy;
4. Reasonable schedules for project components;
5. Process for how public outreach will be implemented;
6. Companion Codified Codes and Standards; and
7. Implementation and Monitoring Plan

#### **1. Reason and Purpose**

The recently adopted Rockville 2040 Comprehensive Plan establishes new land use vision and policy guidance for future development with respect to the rights and expectations of the public, private business, and other stakeholders. As a result, the current Zoning Ordinance requires a thorough review and update to ensure that the Plan and Zoning Ordinance are aligned. Below expresses the reason and purpose to rewrite the 2009 Zoning Ordinance:

- Implement many of the recommended actions within the adopted Rockville 2040 Comprehensive Plan;
- Accomplish the FAST initiative (Faster, Accountable, Smarter and Transparent - Improving the Development Review and permitting Process);
- Incorporate planning and zoning best practices that have become common in the field of urban planning and in other similarly-situated communities;
- Create a modern ordinance that can accommodate the changing living, working, and lifestyles of the 21st century; and
- Create a user-friendly, accessible and well-organized document that provides appropriate graphics and information links to aid in its understanding.

In keeping with one of the City's values, it is important that the process of developing a rewrite of the Zoning Ordinance be understandable, fair, and provide information that is accessible to the public in order to create a truly transparent process. This process must maintain trust with the citizens and customers we serve.

### **Project Name:**

With the importance of this significant project for the City of Rockville and the future land use initiatives, the name of the project is the "Zoning Ordinance Rewrite" (ZOR).

## **2. Organizational Structure**

The organizational structure is composed of:

- **Mayor and Council (M&C)** – The Mayor and Council has made ZOR a significant priority initiative for the City. The Mayor and Council must be kept informed of staff efforts and progress, as the Mayor and Council will approve and adopt the new ordinance and zoning map. The Mayor and Council must ultimately decide the appropriate balance needed to respect both public and private interests when developing a new ordinance, including process changes for development projects. The Mayor and Council will also provide overall guidance and direction on policy and changes.
- **City Manager (Rob DiSpirito)** – The City Manager provides overall direction to the Executive Team and Project Manager at key points throughout the project. The City Manager is also one of the Mayor and Council's main contacts regarding this project.
- **Project Manager (PM)** – The project manager is the Chief of Zoning, Jim Wasilak, accountable to the Executive Team and the City Manager to ensure that the Project Charter is implemented, progress reports are provided, and adherence to the project timeline. He will be assisted by Seth Rivard, Deputy Zoning Administrator. The Project Manager and Deputy will promote engagement, collaboration, and accountability among the Project Teams. They are also accessible and available to the Consultants and each Team and Team Leaders for support, guidance, and direction.
- **Zoning Ordinance Rewrite Consultants** – The development of a new Zoning Ordinance will require an intensive amount of effort to develop a document that reflects the Rockville 2040 Comprehensive Plan, the FAST Initiative, best practices for planning and zoning, and effective graphic design. A Request for Proposals (RFP) will be developed for the retaining of services of

a consultant that will write and initial draft of the new Zoning Ordinance, and then incorporate the input received from the Executive Team as the draft is reviewed by staff. In addition to the Procurement Division, the RFP responses will be reviewed and assessed by a selection team.

- **Executive Team** – This team is composed of:

Ricky Barker, Director of Community Planning and Development Services  
Craig Simoneau, Director of Public Works  
Tim Chesnutt, Director of Recreation and Parks  
Asmara Habte, Director of Housing and Community Development  
Jim Wasilak, Zoning Manager  
Seth Rivard, Deputy Zoning Administrator  
John Foreman, Development Services Manager  
Katie Gerbes, Comprehensive Planning Manager

This team is responsible for the development and execution of the Project Charter, making executive decisions for the Project Teams when appropriate, providing overall communication to staff within their departments, providing resources, encouragement, and support for staff working on ZOR. The Executive Team, in conjunction with the City Manager, will provide direction on recommendations and the work plan and will consult extensively with the City Attorney's Office. This Team will also play a critical role in making key decisions among competing objectives. This Team will also provide quarterly progress reports to the Mayor and Council.

- **Project Teams** – ZOR is a city-wide project and will require specific work teams to develop sections of the ordinance based on staff expertise. Topics include transportation, sustainability (including our forestry ordinance requirements), housing, and Planning Areas implementation. Each Project Team will have a team leader and be composed of team members from the necessary departments as is needed. Team Leaders are responsible for leading the team to review draft text and proposing revisions as necessary, collecting the agreed-upon edits, and providing feedback to the Executive Team and Consultants. It is important for each team to take a fresh and creative look at the current situation and achieve the best recommendations. These recommendations are not limited and should include innovative concepts and best practices.
- **Planning Commission and Other Boards and Commissions** - The Planning Commission will play a key role in reviewing important recommendations to ensure that the document adheres to the implementation recommendations in the Plan. Additional boards and commissions, such as the Board of Appeals, Recreation and Parks Advisory Board, Traffic and Transportation Commission, Rockville Pedestrian Advisory Commission, Rockville Bike Advisory Commission, and the Environment Commission, will also be involved in reviewing draft sections of the ordinance. Many of these bodies will also be involved with the adoption process.

### 3. Community Outreach and Engagement Strategy

The outreach and engagement strategy to develop the Rockville 2040 Comprehensive Plan process was successful. Some of the reasons for success include active engagement with the public, including but not limited to, stakeholder groups, civic and homeowner associations, developers, businesses, and other interested parties. Staff recommends that we learn from this success and incorporate a comprehensive engagement process with ZOR as well. This outreach process will include:



- A Kickoff meeting to inform the public of the process and to gather feedback on the process and outreach strategy.
- A comprehensive communication strategy that utilizes all of the resources available to the City to allow any stakeholder to participate in the review process, including in-person and virtual meetings, surveys and 24-hour feedback opportunities through Engage Rockville.
- Opportunities for public to review the draft ordinance and provide comments before final submission to the Planning Commission and subsequently Mayor and Council for planned public hearings and work sessions.

There is a distinction between the public process of the ZOR from the Comprehensive Plan. The Comprehensive Plan public process resulted in numerous visioning sessions for how and what Rockville will be in 2040. The Plan provided the direction and strategies to implement the vision. The near-term implementation strategies identified from the Plan, which are to be approved by Mayor and Council, will provide direction for the drafting of the ZOR. The ZOR is an implementation strategy of the Plan and is not a new visioning process. The public process for the ZOR will be to ensure that development of the new zoning ordinance is meeting the expected outcomes as envisioned in the adopted Rockville 2040 Comprehensive Plan.

The feedback received from each outreach effort will be used to ensure that the new ordinance reflects the needs and desires of the citizens and other community stakeholders based on the near-term implementation strategies outlined in the Comprehensive Plan. Specifically, staff wants to ensure that residents feel that their recommendations included in the Plan are being effectively implemented. This feedback will be used to ensure that the recommended ordinance changes address topics and issues identified by the public. This public engagement strategy will support the Planning Commission and Mayor and Council in their decision-making process. Provided in the “Process” section of this Charter, is a detailed overview of the community outreach and engagement roadmap.

Staff will develop an extensive communication plan to use the most effective strategies that yields the most opportunities for engagement. The Executive Team will join with the Office of Communication and Engagement before and during the process.

#### **4. Zoning Ordinance Rewrite Schedule**

As noted above, the process to draft a new ZOR will take approximately 18 to 24 months from the kickoff meeting. Once a consultant is retained, a more detailed schedule will need to be developed to ensure project deadlines are met, expectations managed, and be accountable for results. The overall schedule should be endorsed by the Mayor and Council. The schedule should include milestones to ensure that the process of rewriting the ordinance is achieved. If the scope and schedule need to be modified, Mayor and Council will need to consider the impacts on the timeline, budget, and resource capacity. A refined schedule developed with staff and the consultant will provide a more accurate timeframe for the project, which may result in the project timeline to increase.

#### **5. Process**

Provided below is a general overview of the process from drafting the Request for Proposals (RFP) to the adoption of a new Zoning Ordinance and Map, with significant milestones and opportunities for public input noted. The schedule is at a high level, with each section roughly corresponding to a quarter of the year. While this process highlights the general order of how the rewrite of the ordinance will occur

during this process, the consultants and staff will develop a detailed schedule for review and approval before work commences. Draft chapters or topic areas of the new Zoning Ordinance will be developed by the consultant and refined by staff. Those drafts will be presented to the public for their review and feedback. This process will continue until all chapters/topic areas of the ordinance are completed and can be compiled into a new draft Zoning Ordinance.

Process
Develop the request for proposals (RFP) package.
<p>Award contract to a consultant for the rewrite of the Zoning Ordinance.</p> <p>Community Planning and Development Services, Public Works, Housing and Community Development and Recreation and Parks assess the strengths and weaknesses of the current Zoning Ordinance.</p>
<p>Consultant meets with Mayor and Council.</p> <p>Consultant and staff create a more detailed schedule for the process to complete the Zoning Ordinance Rewrite.</p> <p>Project kick-off meeting with consultant team and staff</p> <p>Public kickoff meeting (various times and venues plus virtual)</p>
<p>First draft of text of the new document developed</p> <p>First draft of text to be presented at public meetings, to include Planning Area meetings</p>
<p>First draft of text amended based upon feedback from the public meetings</p> <p>Second draft text developed</p> <p>Second draft of text to be presented at public meetings, to include Planning Area meetings</p>
<p>Second draft of text amended based upon feedback from the public meetings</p> <p>Third draft text developed</p> <p>Third draft of text to be presented at public meetings, to include Planning Area meetings</p>
Completion of the draft Zoning Ordinance

**Mayor and Council authorizes text amendment and comprehensive map amendment**

**Planning Commission is presented with the initial public review draft of the ZOR.**

**Planning Commission holds a series of public hearings on ZOR draft reviews**

**Planning Commission holds numerous work sessions to make changes in response to public hearing comments**

**Planning Commission provides a its recommended ZOR to the Mayor and Council for its required review and adoption process**

**Mayor and Council conducts public hearings on ZOR and Comprehensive Map Amendment**

**Mayor and Council holds numerous work sessions and recommend changes to produce a draft for possible adoption**

**Mayor and Council adopts the ZOR and the Comprehensive Map Amendment**

## **6. Companion City Code Chapters and Standards**

With the ZOR there will be related chapters of the City code and adopted standards that need to be amended or updated to effectuate the near-term implementation and other action strategies of the Plan in the development of a new Zoning Ordinance. With the significant number of recommendations and policy changes detailed in the Rockville 2040 Comprehensive Plan, other documents may need to be amended to implement those recommendations that are integral to implementing the ZOR initiatives. Examples of such changes may include chapters on Forest and Tree Preservation and Moderately Priced Housing; other documents such as the Environmental Guidelines, Historic District Design Guidelines; and other standards and/or guidelines.

## **7. Implementation and Monitoring Plan**

The long-term success of this project depends upon the effectiveness of adhering to the project timeline and ensuring that there is a robust public process. With the overview shown above and the more detailed schedule to be presented by the consultants, we will be able to monitor our schedule and ensure we meet the implementation deadline. It will be important to monitor the schedule and provide justification if additional changes are needed.

Monitoring of ZOR will not end with the adoption of a new Zoning Ordinance. Once the new ordinance is implemented and utilized on a regular basis, there will be effects that were not anticipated. This may result in the need for zoning text amendments to address those circumstances that could not have been expected without daily use of the ordinance. Implementing any necessary changes is a commitment to the citizens, Mayor and Council, and other stakeholders, that the City of Rockville has a Zoning Ordinance that achieves the desired outcomes and provides for a fair and equitable process for all.